

REMARKS/ARGUMENTS

Claims 1, 3, 13-16, 18, 24, 25, 30-35, and 45-46 are active. Claims 4-10, 17, 19, 20, 26-29, and 36-44 have been withdrawn from consideration. In view of the amendments above, the Applicants respectfully request examination of all of the pending claims: Claims 1, 3-8, 30, 32-39, 42 and 44-46, which are now directed to the previously elected species.

Independent Claim 1 has been directed to hybrid proteins comprising a MRP1 ligand binding segment + spacer + Kir6.2. Claims 5-8 have been revised to refer to specific embodiments of these hybrid proteins by SEQ ID NO. The remaining claims have been revised to delete non-elected subject matter. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiners Dunston and Qian for the courteous and helpful interview of March 23, 2006 and for indicating that claims directed to the elected species would be allowable. Language which would help avoid the enablement and written description rejections was also discussed.

Election/Restriction

The Applicants previously elected Group I (hybrid protein) and elected a hybrid protein species comprising (a) a spacer, (b) MRP-1 and (c) Kir6.2. This requirement has been made FINAL. The Applicants respectfully request rejoinder of nonelected method claims which depend from, or which otherwise include all the limitations of an allowable product claim.

Objections-Claims

This objection is moot in view of the amendment of the claims to recite the presently elected species of hybrid protein.

Rejections—35 U.S.C. §112, first paragraph

Claims 1, 3, 13, 15, 24, 34, 35, 45 and 46 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description and enablement. These rejections are moot in view of the amendments above which direct the claims to the elected species of hybrid protein and polynucleotides encoding it. MRP1 and Kir6.2 are distinct polypeptides and are not naturally coupled. Kir6.2 naturally associates with SUR, but not with MRP1 (specification, page 3, lines 19-21; page 6, lines 18-25). The efficacy of the MRP1/Kir6.2 combination is shown by the previously filed Declaration of Dr. Michel Vivaudou and the Applicants thank Examiner Dunston for acknowledging the operability of this hybrid protein. Accordingly, in view of the amendments above, these rejections may now be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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